

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Civil No. 13-2617 (DWF/SER)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Isaac Perry,

Respondent.

This matter is before the Court upon Respondent Isaac Perry's ("Respondent") objections to Magistrate Judge Steven E. Rau's November 8, 2013 Report and Recommendation insofar as it recommends that: (1) the United States of America's Petition to Determine Present Mental Condition of an Imprisoned Person Under 18 U.S.C. § 4245 be granted; (2) the Court find that Respondent is in need of custody for care or treatment of a mental disease or defect and that FMC-Rochester is a suitable facility for such care and treatment; and (3) Respondent be committed to the custody of the United States Attorney general pursuant to 18 U.S.C. § 4245 for hospitalization and treatment until Respondent is no longer in need of such custody for care and treatment.

The Government filed a response to Respondent's objections on November 22, 2013.

(Doc. No. 13.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Respondent's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Respondent Isaac Perry's objections (Doc. No. [12]) to Magistrate Judge Steven E. Rau's November 8, 2013 Report and Recommendation are **OVERRULED**.
2. Magistrate Judge Steven E. Rau's November 8, 2012 Report and Recommendation (Doc. No. [11]) is **ADOPTED**.
3. The United States of America's Petition to Determine Present Mental Condition of an Imprisoned Person Under 18 U.S.C. § 4245 (Doc. No. [1]) is **GRANTED**.
4. The Court finds that Respondent is in need of custody for care or treatment of a mental disease or defect and that FMC-Rochester is a suitable facility for such care and treatment.
5. Respondent is committed to the custody of the United States Attorney General pursuant to 18 U.S.C. § 4245 for hospitalization and treatment until Respondent is no longer in need of such custody for care and treatment.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 23, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge